



ARKANSAS JUDICIARY

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## Rule 8. Stay Pending Appeal.

(a) Supersedeas defined; necessity. A supersedeas is a written order commanding appellee to stay proceedings on the judgment, decree or order being appealed from and is necessary to stay such proceedings.

(b) Supersedeas; by whom issued. A supersedeas shall be issued by the clerk of the circuit court that entered the judgment, decree or order being appealed from unless the record has been lodged with the appellate court in which event the supersedeas shall be issued by the clerk of the appellate court.

(c) Supersedeas bond. (1) Whenever an appellant entitled thereto desires a stay on appeal, he shall present to the court for its approval a supersedeas bond which shall have such surety or sureties as the court requires. The bond shall be to the effect that appellant shall pay to appellee all costs and damages that shall be affirmed against appellant on appeal; or if appellant fails to prosecute the appeal to a final conclusion, or if such appeal shall for any cause be dismissed, that appellant shall satisfy and perform the judgment, decree or order of the circuit court. However, the maximum bond that may be required in any civil action under any legal theory shall be limited to twenty-five million dollars (\$25,000,000), regardless of the amount of the judgment.

(2) If a party proves by a preponderance of the evidence that the party who has posted a bond in accordance with paragraph (1) of this subdivision (c) is purposely dissipating or diverting assets outside of the ordinary course of its business for the purpose of evading ultimate payment of the judgment, the court may enter orders as are necessary to prevent dissipation or diversion, including requiring that a bond be posted equal to the full amount of the judgment.

(d) Proceedings against sureties. If security is given in the form of a bond or other undertaking with one or more sureties, each surety submits himself to the jurisdiction of the circuit court and irrevocably appoints the clerk of the circuit court that entered the judgment, decree, or order as his agent upon whom any papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion in the circuit court without the necessity of an independent action. The motion and such notice of the motion as the circuit court prescribes shall be filed with the clerk, who shall forthwith mail copies to the sureties if their addresses are known.

### Comment Text:

**Addition to Reporter's Note (2014 Amendment):** A second paragraph has been added to subdivision (c) of the rule, and the original text designated accordingly. The second paragraph

and a new sentence at the end of the first paragraph are taken from section 17 of Act 649 of 2003, codified at Ark. Code Ann. § 16-55-214. With the adoption of these changes, the statute is superseded pursuant to Ark. Code Ann. § 16-11-301. Also superseded are Ark. Code Ann. §§ 16-68-301 to -306, outdated provisions referenced in section 16-55-214 that were enacted as part of the Civil Code of 1868.

The last sentence of paragraph (c)(1) sets the maximum amount of a supersedeas bond at \$25 million, as did section 16-55-214. Like the statute, paragraph (c)(2) provides an exception when necessary to prevent the appellant from diverting or dissipating assets to evade payment of the judgment.

**History Text:**

History. Adopted and amended July 10, 1995, effective January 1, 1996; amended June 7, 2001, effective July 1, 2001; amended August 7, 2014, effective January 1, 2015.

**Associated Court Rules:**

Rules of Appellate Procedure?Civil

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